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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,293	09/18/2000	Maria Barbara Hendrica Van Crijnen-Beers	TS0926 (US)	3623

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Shell Oil Company  
Legal Intellectual Property  
P O Box 2463  
Houston, TX 77252-2463

EXAMINER

GRIFFIN, WALTER DEAN

ART UNIT PAPER NUMBER

1764

DATE MAILED: 01/15/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/664,293

Applicant(s)

VAN CRIJNEN-BEERS ET AL.

Examiner

Walter D. Griffin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Amendment*

The objections to the specification and claims and the rejections under 35 USC 112 and 103 as described in paper no.7 have been withdrawn in view of the amendment filed on November 27, 2002. Accordingly, the arguments concerning these rejections are moot and will not be addressed.

A new rejection follows.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. (3,645,914).

The Rosinski reference discloses a process for preparing a catalyst. The process comprises preparing a mixture of a zeolite such as ZSM-5 with an oxide such as a Group IVA oxide and water. The mixture can also contain a base such as ammonium hydroxide (i.e., ammonia) and other amines. The pH of the mixture can be up to about 12. The mixture is maintained for at least 15 minutes prior to drying and calcining. The mixture is then extruded, dried, and calcined. The resulting catalyst may contain hydrogenation components such as platinum or nickel. See column 2, lines 8-66 and column 3, lines 3-60.

The Rosinski reference does not disclose the use of a low acidity oxide binder and does not disclose a zeolite content of below 50 weight percent.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Rosinski by using a low acidity oxide such as silica because silica falls within the class of oxides disclosed by Rosinski and therefore its use would be expected to produce an effective catalyst.

It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Rosinski to produce a catalyst having a zeolite content of less than 50 weight percent because one would adjust component amounts to produce a catalyst that performs effectively.

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Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. (3,645,914) as applied to claim 1 above, and further in view of Breck et al. (4,503,023).

The Rosinski reference does not disclose dealumination with a fluorosilicate salt.

The Breck reference discloses a zeolite dealumination process that utilizes a fluorosilicate salt as claimed. See col. 3, line 24 through col. 5, line 13.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of making the catalyst of Rosinski by dealuminating as suggested by Breck because a more stable zeolite will result.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosinski et al. (3,645,914) as applied to claim 1 above, and further in view of Absil et al. (5,053,374).

The Rosinski reference does not disclose dewaxing or isomerization.

The Absil reference discloses a method for preparing a catalyst comprising a zeolite and a low acidity refractory oxide that is free of alumina. The catalyst can be used in hydrocarbon hydroprocesses such as hydrocracking and isomerization. Hydrocracking and isomerization are some of the reactions occurring during dewaxing. (See col. 2, lines 11-37; col. 4, lines 4-62; and col. 5, lines 7-59.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the catalyst of Rosinski in a dewaxing or isomerization process because, as disclosed by Absil, catalysts comprising zeolite, silica, and hydrogenation metals are effective in these types of processes. Since catalysts such as those disclosed by Rosinski are effective for isomerizing as disclosed by Absil, these catalysts would also be expected to be effective for isomerizing xylene.

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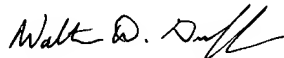
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not relied upon discloses processes for preparing catalysts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is 703-305-3774. The examiner can normally be reached on Monday-Friday 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 703-308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Walter D. Griffin  
Primary Examiner  
Art Unit 1764

WG  
January 3, 2003